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Attorneys for Defendants  
*Becklin Holdings, Inc. and Dennis Sterling Becklin*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CASEY R. INGELS,

Plaintiff,

v.

BECKLIN HOLDINGS, INC., DBA  
ECS COMPOSITES, INC., AND  
DENNIS STERLING BECKLIN, AN  
INDIVIDUAL,

Defendants.

CASE NO.

**NOTICE OF REMOVAL**

(Removal from the Circuit Court of the  
State of Oregon for the County of  
Multnomah, No. 22CV09868)

1 To the United States District Court for the District of Oregon, the parties, and  
2 their counsel of record:

3 PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441(b), Defendants  
4 Becklin Holdings, Inc., dba ECS Composites, Inc., and Dennis Sterling Becklin  
5 (collectively, “Defendants”) hereby remove the above-captioned action from the  
6 Circuit Court of the State of Oregon for the County of Multnomah to the United States  
7 District Court for the District of Oregon. Removal to this Court is proper because  
8 (1) diversity exists between plaintiff and both defendants, the amount in controversy  
9 exceeds \$75,000, and this Court therefore has jurisdiction over the case, and (2) this  
10 Court embraces the venue where the state court litigation is pending. Defendants  
11 appear specifically for the purpose of removal and preserve any and all defenses  
12 available under the Federal Rule of Civil Procedure 12. The grounds for removal are  
13 as follows:

14 1. On or about March 22, 2022, Plaintiff Casey R. Ingels filed a complaint  
15 (the “Complaint”) in the Circuit Court of the State of Oregon for the County of  
16 Multnomah, bearing the Case Number 22CV09868 (the “Removed Action”). A true  
17 and correct copy of the Complaint is attached hereto as Exhibit 1. No further  
18 proceedings have been had in the Removed Action.

19 2. Removal to this Court is proper because it is “the district and division  
20 embracing the place where” the Removed Action is pending, 28 U.S.C. § 1441(a), and  
21 this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332.

22 3. Removal is timely as this Notice of Removal is filed within 30 days after  
23 filing of an initial pleading. *See* 28 U.S.C. § 1446(b)(1). Removal is appropriate  
24 because both Defendants are diverse to Plaintiff.

25 4. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is  
26 being served upon Plaintiff’s counsel and also filed with the Clerk of the Circuit Court  
27 of the State of Oregon for the County of Multnomah.

5. As set forth more fully below, this Court has jurisdiction over this matter, and removal is proper pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

**THIS COURT HAS JURISDICTION UNDER 28 U.S.C. § 1332**

6. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, based on diversity of citizenship, because complete diversity exists between the Plaintiff and the Defendants, and because the amount in controversy exceeds \$75,000, exclusive of interest and costs.

**A. Complete Diversity Exists Between Plaintiff and Defendants, Neither of Whom Have Yet Been Served**

7. Plaintiff is a citizen and resident of Steilacoom, Washington. Ex. 1, ¶ 9.

8. Defendant Becklin Holdings, Inc. dba ECS Composites, Inc. is a Nevada LLC with its principal place of business in Grants Pass Oregon. *Id.* ¶ 10. Defendant Dennis Sterling Becklin is a citizen and resident of Grants Pass, Oregon. *Id.* ¶ 11.

9. At the time of filing this Notice of Removal, neither Defendant has been served with the Complaint or Summons.

10. The provisions of 28 U.S.C. § 1441(b)(2), commonly referred to as “the forum defendant rule,” are inapplicable to the instant matter because none of the Defendants has been “properly joined and served” in the court in which the action was brought. *See Tex. Brine Co. LLC v. Am. Arbitration Ass’n. Inc.*, 955 F.3d 482, 486 (5th Cir. 2020) (ruling that Section 1441(b)(2)’s “plain meaning precludes removal on the basis of in-state citizenship only when the defendant has been properly joined and served”); *Gibbons v. Bristol-Myers Squibb Co.*, 919 F.3d 699, 702 (2d Cir. 2019) (same); *Encompass Ins. Co. v. Stone Mansion Rest. Inc.*, 902 F.3d 147, 152 (3d Cir. 2018) (same); *Choi v. Gen. Motors LLC*, 2021 WL 4133735, at \*5 (C.D. Cal. Sept. 9, 2021) (same).

**B. The Alleged Amount-In-Controversy Exceeds \$75,000**

11. To trigger this Court’s jurisdiction under 28 U.S.C. § 1332, the amount in controversy must exceed \$75,000, exclusive of costs and interest. To satisfy this

1 requirement, “a defendant’s notice of removal need include only a plausible allegation  
2 that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee*  
3 *Basin Operating Co. v. Owens*, 574 U.S. 81, 89 (2014).

4 12. To be clear, Defendants deny that they are liable for any amount of  
5 damages; however, the amount in controversy based on the claims and allegations in  
6 the Complaint clearly exceeds \$75,000, exclusive of interest and costs. *See* Ex. 1 at 1  
7 (indicating prayer amount in excess of \$75,000); *see also* 28 U.S.C. § 1446(c)(2) (“If  
8 removal of a civil action is sought on the basis of the jurisdiction conferred by  
9 section 1332(a), the sum demanded in good faith in the initial pleading shall be  
10 deemed to be the amount in controversy . . .”).

### 11 CONCLUSION

12 WHEREFORE, Defendants Becklin Holdings, Inc., dba ECS Composites, Inc.,  
13 and Dennis Sterling Becklin remove the state court action in the Circuit Court of the  
14 State of Oregon for the County of Multnomah, bearing the Case Number 22CV09868,  
15 to the United States District Court for the District of Oregon.

16  
17  
18 DATED: March 23, 2022

Respectfully Submitted,

19  
20 By: /s/ Darin M. Sands

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26 *Attorneys for Becklin Holdings, Inc., and Dennis Sterling Becklin*  
27  
28

**CERTIFICATE OF SERVICE**

I, Darin Sands, hereby certify that I electronically filed the foregoing Notice of Removal with the Court's CM/ECF system. I also am emailing this filing to Plaintiff's counsel of record in the Removed Action.

Dated: March 23, 2022

/s/ Darin M. Sands

Darin M. Sands